

Public Record Review / Duplication Request

please print legibly

Date of request: _____

Requestor's name: _____

Requestor's address: _____

Requestor's telephone: _____

Requestor's e-mail: _____

I request ☐ review ☐ duplication of the following records with sufficient specificity to enable the City of Allentown to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a resident of the Commonwealth of Pennsylvania. ☐ Yes ☐ No
(must check a box)

Signature of requestor (must sign) _____

The request may be submitted in person, via e-mail, or by fax to:

Solicitor's Office

City Hall
435 Hamilton Street
Allentown, PA 18101

Frances Fruhwirth – Right To Know Designee

e-mail: fruhwirthf@allentowncity.org

voice: 610 437-7545

fax: 610 437-8701

request number: _____
(assigned by city of Allentown)

Public Record Review / Duplication Request

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This page to be completed by the City of Allentown

Request number: _____
(assigned by city of Allentown)

Date received: _____

Action taken:

Approved: ☐

Denied: ☐

Date of approval: _____
(requested information has been supplied)

Date of denial: _____
(see below statement))

Dear Mr. / Mrs. / Ms. _____:

Please be advised that your request to: ☐ review ☐ duplicate the following records,

has been denied for the following reason (s):

Right to Know designee: _____

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must either:

Within fifteen (15) days of this notice of denial or deemed denial, file exceptions with the Allentown City Solicitor in accordance with the Right to Know policy.

City Solicitor Address: 435 Hamilton Street Room 519, Allentown, PA 18101
Telephone: 610 437-7545

If you file exceptions, the City of Allentown has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The City of Allentown may decide to conduct a hearing within that time to assist in making the decision.

-OR-

Within (30) days of the notice of denial, or within thirty (30) days of the City of Allentown's final decision (in the event that you have filed exceptions), file a petition for review in the Lehigh County Court of Common Pleas or bring an action in the local District Magistrate Office.

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ARTICLE 112 PUBLIC RECORDS

- 112.01 Purpose
- 112.02 Procedures
- 112.03 Appeal
- 112.09 Fees

112.01 PURPOSE

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. §66.1 et seq., as amended, to provide access to public records of the City of Allentown, to preserve the integrity of City of Allentown records, and to minimize the financial impact to the residents of the City of Allentown regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. (14118 §1 9/18/03)

112.02 PROCEDURES

- A. It is the policy of the City of Allentown to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Allentown.
- B. The City of Allentown designates the Director of Finance as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:
 - 1. The Director of Finance may designate certain employee(s) to process public record requests.
 - 2. The Director of Finance is responsible for minimizing, where possible, the financial impact to the City of Allentown regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
 - 3. All requests for public records of the City of Allentown, under this policy, shall be specific in identifying and describing each public record requested. In no case shall the City of Allentown be required to create a public record which does not exist, or to compile, maintain, format or organize a public record in a manner in which the City of Allentown does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted, in writing, and on a form provided by the City of Allentown, as attached hereto entitled, "Public Record Review/Duplication Request."
 - 4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
 - 5. The City of Allentown shall facilitate a reasonable response to a request for City of Allentown public records. In no case is the City of Allentown expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with City of Allentown administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
 - 6. The designated employee shall respond to the requestor within five (5) business days from the date of receipt of the written request. If the City of Allentown does not respond within five (5) business days of receipt thereof, the request is deemed denied.

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7. The response provided by the City of Allentown shall consist of (1) approval for access to the public Administrative Code – General and Administrative Provisions – October 2007 12 record; or, (2) review of the request by the designated employee; or (3) denial of access to the record requested.
 8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Allentown. The designated employee shall cooperate fully with the requestor while also taking reasonable measures to protect City of Allentown public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.
- C. If the request is being reviewed, the notice provided by the City of Allentown shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the City of Allentown does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:
1. The record requested contains information which is subject to access as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
 2. The record requires retrieval from a remote location;
 3. A timely response cannot be accomplished due to staffing limitations;
 4. A legal review is necessary to determine whether the record requested is a public record;
 5. The requestor has failed to comply with the City of Allentown's policy and procedure requirements; or
 6. The requestor refuses to pay the applicable fees.
- D. If access to the record requested is denied, the notice provided by the City of Allentown shall be in writing.

112.03 APPEAL

- A. If the request is denied or deemed denied, the requestor may file exceptions with the City Solicitor within fifteen (15) business days of the mailing date of the City of Allentown's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:
1. Indicate the date of the original request;
 2. Identify and describe the record(s) requested;
 3. State the grounds upon which the requestor asserts the record(s) is a public record; and
 4. Address any grounds stated by the City of Allentown in its notice of denial.
- B. The City Solicitor shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.



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112.09 FEES

A. Fees for duplication of public records shall be as follows:

1. Photocopying: 25 cents (\$0.25) per page;
2. Duplication
3. Certified copies: One Dollar (\$1.00) per page;
4. Postage: Actual cost to the City of Allentown of mailing the public record. Administrative Code – General and Administrative Provisions – October 2007 13

B. The City of Allentown may, in its discretion, waive fees.

C. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed One Hundred (\$100.00) Dollars, the designated employee(s) shall obtain One Hundred (100%) Percent of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Allentown resources. (14118 §1 9/18/03)

ADDENDUMS CITY OF ALLENTOWN PUBLIC RECORD REVIEW/DUPPLICATION REQUEST

Please print legibly _____

Date of Request: _____

Requestor's Name: _____

Requestor's Address: _____

I request _____ review _____ duplication _____ (check applicable boxes) of the following records:

Important: You must identify or describe the records with sufficient specificity to enable the City of Allentown to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a resident of the Commonwealth of Pennsylvania.

Signature of Requestor _____

The request may be submitted in person, by mail or by facsimile to:

Director of Finance

City Hall

Room 227

435 Hamilton Street

Allentown, PA 18101

Fax: 610-437-7675

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CITY OF ALLENTOWN PUBLIC RECORD REVIEW/DUPPLICATION REQUEST

To be completed by the City of Allentown:

Request No.: _____
Date Received: _____
Action Taken: _____
Approved: _____ Date of Approval: _____
Denied: _____ Date Notice Mailed: _____
Additional Review: _____ Date Notice Mailed: _____ Administrative Code –
General and Administrative Provisions – October 2007 14

CITY OF ALLENTOWN DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE

Date of Denial: _____
Requestor's Name: _____
Requestor's Address: _____

Re: _____
Denial of Request to Review and/or Duplicate: _____
Request No. _____
Date of Request: _____
Dear Mr./Mrs./Ms. _____

Please be advised that your request to review/duplicate (strike out inappropriate request) the following records:

_____ has been denied for the following reason(s):

_____ This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must either:

Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with the City Solicitor in accordance with the City's policy.

If you file exceptions, the City of Allentown has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The City Solicitor may decide to conduct a hearing within that time to assist in making of the decision.

-OR-

Within thirty (30) days of the notice of denial, or within thirty (30) days of the City of Allentown's final decision (in the event that you have filed exceptions), file a petition for review in the Lehigh County Court of Common Pleas or bring an action in the local District Magistrate's Office.